

Amendment A
Inventor(s) Name: PFEIFFER
Attorney Docket no.: 964-1722

REMARKS

Applicant has filed a request for continued examination of the present application simultaneously with the filing of this Amendment. This Amendment is in response to the final Office Action mailed December 30, 2003.

Applicant has amended the specification in several places to clarify the specific engagement means associated with the horizontal and vertical pairs of longitudinal edges associated with each of the present panel members. More specifically, the third full paragraph on page 6 of the application has been amended to specifically recite that the blocks 30 have at least one substantially planar rectangular segment associated therewith. This structure is clearly shown in Figs. 2 and 4 of the present application. As a result, no new matter has been added to the application.

The fourth paragraph starting at the bottom portion of page 6 of the application has likewise been amended to specifically recite the relationship between the teeth 38 and sockets 40 associated with each opposed horizontal longitudinal edge of the panels 32, 72 and 78. More specifically, as clearly shown in Figs. 2, 4, and 8 of the present application, the teeth 38 associated with one of the opposed horizontal longitudinal edges of any of the present panels are vertically aligned with the sockets 40 associated with the other opposed horizontal longitudinal edge of the same panel, and the sockets 40 associated with one of the opposed horizontal longitudinal edges of any of the present panels are likewise vertically aligned with the teeth associated with the other opposed horizontal longitudinal edge of such panel. Here again, no new matter has been added to the application.

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Still further, as clearly shown in Figs. 3 and 7 of the present application, the pair of panels 32 or 72 and 78 are positioned relative to each other such that the teeth 38 associated with the row of alternating teeth and sockets located adjacent the outer surface 36 of one of the pair of panels 32 forming the block 30, or adjacent the outer surface 76 or 82 of one of the pair of panels 72 or 78 forming the block 70, are horizontally aligned with the sockets 40 associated with the row of alternating teeth and sockets located adjacent the outer surface of the other pair of panels forming the blocks 30 and 70. In like form, the teeth 38 associated with the row of alternating teeth and sockets located adjacent the inner surface 34 of one of the pair of panels 32 forming the block 30, or adjacent the inner surface 74 or 80 of one of the pair of panels 72 or 78 forming the block 70, are likewise horizontally aligned with the sockets 40 associated with the row of alternating teeth and sockets located adjacent the inner surface of the other pair of panels forming the blocks 30 and 70. This specific arrangement is clearly shown in Figs. 3 and 7 of the present application and it is this specific arrangement, in conjunction with the vertical arrangement of teeth and sockets associated with each panel, that allows the present blocks 30 and 70 to be engaged with each other in both a side-by-side arrangement and a vertically stacked arrangement regardless of the orientation of the blocks. Here again, this amendment of the specification does not add any new matter since this arrangement is clearly disclosed in the figures of the present application.

The amendment to the third paragraph of the application beginning at the bottom of page 7 describes the same relationship between the teeth 42 and sockets 44 associated with the vertical longitudinal edges of the panels 32, 72 and 78 as explained above with respect to the horizontal

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longitudinal edges. In other words, the location of the teeth 42 associated with one of the vertical longitudinal edges of any of the panels of the present invention correspond with the location of the sockets 44 associated with the other vertical longitudinal edge of the same panel. The same is true with respect to the location and orientation of the sockets 44 associated with one of the vertical longitudinal edges of any one of the panels of the present invention and its correspondence with the location of the teeth 42 associated with the other vertical longitudinal edges of the same panel. Here again, this relationship is clearly shown in Figs. 4 and 8 of the present application and, as a result, no new matter has been added to the application.

Still further, the amendments made to the fourth paragraph beginning at the lower portion of page 8 merely recites that the corner blocks 70 likewise include planar rectangular segments which are disposed at approximately 90° to each other in an angular relationship. This is clearly illustrated in Fig. 7 of the present application. No new matter has been added to the application.

Finally, the amendment to the first full paragraph on page 9 is likewise clearly shown in Figs. 2-4 and 7-8 of the present application, and such arrangement is also discussed starting at paragraph 4 on page 6 of the specification where it is specifically recited that employing the tooth and socket configuration along the opposing longitudinal edges of the present panels 32, 72 or 78 yields panels having opposed longitudinal edges capable of engageably receiving either opposing longitudinal edge of an adjacent, similarly configured panel of a straight block 30 or a corner block 70 in stacked fashion. The same is likewise recited for corner blocks 70. This amendment merely reconfirms the existing arrangement and specifically states that the top longitudinal edges of the present panels forming the blocks 30 and 70 will removably engage

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both the top and bottom longitudinal edges of the panels forming another similarly constructed block 30 and 70. In like fashion, the bottom longitudinal edges of the present panels forming the blocks 30 and 70 will removably engage both the top and bottom longitudinal edges of the panels forming another similarly constructed block 30 and/or 70. Here again, no new matter has been added to the application.

Applicant has amended claim 3 to specifically recite the specific teeth and socket arrangement associated with the present panels 32, 72 and 78. More specifically, claim 3 now specifically recites that the horizontal pair of opposed longitudinal edges of each panel include two rows of alternating teeth and sockets, one row being offset from the other row by the distance of one side of one tooth, and that the teeth associated with one of the opposed horizontal longitudinal edges is vertically aligned with the sockets associated with the other opposed horizontal longitudinal edge of the same panel.

Claim 3 also specifically requires that the teeth associated with the row of alternating teeth and sockets located adjacent the outer surface of one of the pair of panels forming a specific block are horizontally aligned with the sockets associated with the row of alternating teeth and sockets located adjacent the outer surface of the other pair of panels, and that the same relationship is true with respect to the row of alternating teeth and sockets located adjacent the inner surfaces of the pair of panels forming a particular block. Still further, claim 3 specifically recites that the present engagement means enables one of the blocks to be engaged with a plurality of similarly constructed blocks in both a side-by-side arrangement and a vertically stacked arrangement regardless of the orientation of the blocks, namely, that the top longitudinal

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edges of one block is engageable with both the top and bottom longitudinal edges of another similarly constructed block and that the bottom longitudinal edges of one block is likewise engageable with both the top and bottom longitudinal edges of another similarly constructed block.

The rejection of claim 3 under 35 U.S.C. Section 112 has been corrected.

Claim 3 has been further specifically rejected under 35 U.S.C. Section 102 as being anticipated by the BELIVEAU reference. In reviewing the BELIVEAU reference, it is clear that many of the amendments made to claim 3 are not found in the BELIVEAU construction. First of all, the BELIVEAU construction includes three rows of alternating teeth and sockets, not two rows. More importantly, as clearly shown in Fig. 1, the teeth associated with the row of alternating teeth and sockets located adjacent the outer surface of one of the pair of blocks illustrated in Fig. 1 of BELIVEAU is not horizontally aligned with the sockets associated with the row of alternating teeth and sockets located adjacent the outer surface of the other BELIVEAU panel illustrated in Fig. 1. Instead, the teeth 18 adjacent the outer surface of panel 14a is horizontally aligned with the teeth 18 associated with the opposed panel 14b. As a result, if the top longitudinal edges of two similarly constructed BELIVEAU blocks are mated with each other, there will be no engagement of such respective surfaces. Claim 3 is clearly not anticipated by any disclosure in the BELIVEAU reference.

Claim 3 is also rejected under 35 U.S.C. Section 103 based upon the previously discussed BELIVEAU reference in further view of the HOROBIN reference. Claim 3 is distinguishable over the BELIVEAU reference for all of the reasons set forth above. The HOROBIN reference

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is only cited with respect to the teeth and socket arrangements associated with the side edges or vertical longitudinal edges of the present panels, not the horizontal longitudinal edges of the panels. In reviewing the HOROBIN reference, it is likewise clear from Fig. 3 of the HOROBIN reference that the row of horizontal teeth located adjacent the outer surface of one HOROBIN panel is not horizontally aligned with the sockets associated with the horizontal row of teeth and sockets positioned adjacent the outer surface of the other HOROBIN panel. The same is true with respect to the sockets. Instead, the teeth on one panel are horizontally aligned with the teeth on the other panel and the same is true of the sockets. Here again, the horizontal longitudinal edges of the panels forming the HOROBIN block do not include two rows of alternating teeth and sockets. Also, since the teeth and sockets associated with the horizontal longitudinal edges of the HOROBIN blocks are not offset as defined in claim 3, the top longitudinal edge of one HOROBIN block is not engageable with both the top and bottom longitudinal edges of another HOROBIN block as required by claim 3. Instead, the top of one HOROBIN block is only engageable with the bottom of another HOROBIN block. As a result, claim 3 is patentably distinguishable over both the BELIVEAU and HOROBIN references, either alone or in combination, for all of the reasons set forth above.

Claim 3 is likewise rejected under 35 U.S.C. Section 103(a) in light of the BELIVEAU reference in further view of the MENSEN reference. Claim 3 is distinguishable over the BELIVEAU reference for all of the reasons set forth above. Claim 3 is further distinguishable over the MENSEN reference for the same reasons. As clearly shown in Figs. 8 and 9 of the MENSEN reference, the two rows of alternating teeth and sockets positioned on each panel in an

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offset arrangement, as well as the offset arrangement between the teeth and sockets associated with the opposed horizontal longitudinal edges of the two spaced panels forming a particular block of the present invention is not disclosed or even suggested in the MENSEN reference. Instead, the teeth associated with the row of alternating teeth and sockets located adjacent the outer surface of one of the MENSEN panels are horizontally aligned with the teeth (not the sockets) associated with the row of alternating teeth and sockets located adjacent the outer surface of the other MENSEN panel forming a particular block. Also, the teeth associated with one of the opposed horizontal longitudinal edges of one MENSEN panel is not vertically aligned with the sockets associated with the other opposed horizontal longitudinal edge of the same panel. For these and other reasons, claim 3 is clearly patentably distinguishable over both the BELIVEAU and MENSEN references, in any combination.

Claim 39 was likewise rejected based upon the same prior art references discussed above, namely, the BELIVEAU, HOROBIN and MENSEN references. Claim 39 includes many of the same limitations discussed above with respect to claim 3 but is of somewhat different scope. Nevertheless, claim 39 likewise requires two rows of alternating teeth and sockets which are offset relative to each other on each horizontally opposed edge of each panel. In addition, claim 39 specifically requires that the teeth associated with the row of alternating teeth and sockets positioned adjacent the outer surface of one of the pair of panels be horizontally aligned with the sockets associated with the row of alternating teeth and sockets positioned adjacent the outer surface of the other pair of panels forming the particular block, and that the same relationship exists with respect to the teeth and sockets positioned adjacent the inner surfaces of the two

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panels. As previously explained above, with respect to all of the references cited against the present application, namely, the BELIVEAU, HOROBIN and MENSEN references, none of these references teach this specific arrangement of teeth and sockets. For this reason alone, claim 39 is clearly and patentably distinguishable over the cited references, in any combination.

Still further, claim 39 specifically requires that the top horizontal edges of one block be engageable with both the top and bottom horizontal edges of another similarly constructed block and that the bottom horizontal edges of one block be likewise engageable with both the top and bottom horizontal edges of another block. Here again, this feature is not disclosed in either the BELIVEAU, HOROBIN and/or the MENSEN references.

New independent claims 47 and 48 likewise include many of the same limitations as discussed above with respect to the specific teeth and sockets arrangement on each panel including the horizontal alignment of teeth and sockets with respect to the pair of panels forming any one of the present blocks. For all of the reasons discussed above, independent claims 47 and 48 are likewise clearly and patentably distinguishable over the cited BELIVEAU, HOROBIN and MENSEN references, either alone or in any combination. More particularly, both independent claims 47 and 48 require that the teeth associated with the top longitudinal edges of one panel be vertically aligned with the sockets associated with the bottom longitudinal edges of the same panel; and that the teeth associated with the row of alternating teeth and sockets located adjacent the outer surface of one of the pair of panels forming a particular block be horizontally aligned with the sockets associated with the row of alternating teeth and sockets located adjacent the outer surface of the other pair of panels. The same horizontal offset alignment is likewise

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required between the teeth and sockets positioned adjacent the inner surfaces of said pair of panels. For all of the reasons set forth above, new claims 47 and 48 are clearly and patentably distinguishable over all of the cited prior art references including the BELIVEAU, HOROBIN and MENSEN references.

It is now believed that all of the claims presently remaining in the case are patentable over all of the cited prior art references and all such claims, namely, claims 3, 7-16, 39, and 47-51 are in allowable condition. None of the cited references, either alone or in any combination thereof, disclose or suggest all of the novel features associated with the present constructions as explained above, nor do the prior art constructions provide specific advantages and objectives obtained by the present devices. Favorable action and allowance of the claims is therefore respectfully requested.

If any issue regarding the allowability of any of the pending claims in the present application could be readily resolved, or if other action could be taken to further advance this application such as an Examiner's amendment, or if the Examiner should have any questions regarding the present amendment, it is respectfully requested that the Examiner please telephone Applicant's undersigned attorney in this regard.

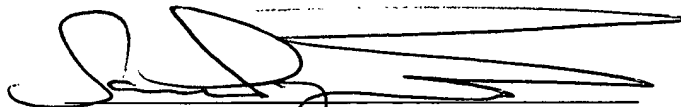
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Respectfully submitted,

Date: 29 MAR 04

A handwritten signature in dark ink, appearing to read 'Samuel Digirolamo', written over a horizontal line.

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